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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,870	07/02/2003	Mohamed A. Salim	51306/889:1	6986

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EXAMINER

WALSH, DANIEL I

ART UNIT	PAPER NUMBER
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2887

MAIL DATE	DELIVERY MODE
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12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/612,870	Applicant(s) SALIM ET AL.	
	Examiner Daniel I. Walsh	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-57, 60-62 and 67-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-57, 60-62 and 67-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the election received on 9-21-07. The Examiner notes that the Applicant elected claims 67-76. The Examiner has also included claims 52-57 and 60-62 as part of those Examined in the action.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 70 and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The Examiner notes that there a "status of the optical scanner" does not appear to be a special event. Re claim 76, it is also unclear if a special even has occurred. Claim 76 recites identifying which sensor acquired the data, but this does not appear to be a special event does not appear to be a special, and if anything, reading appears to be anything but special, as it is normal for a system.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 52-57, 60-62, and 67-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canipe et al. (US 2003/0234288).

Re claim 52, Canipe et al. teaches a method comprising detecting manual activation of the EAS system to deactivate the EAS tag and storing an indication of the manual activation of the EAS system (paragraph [0046]-[0047] which teaches that the operator locates the active tag among the customers items and then the operator deactivates the EAS tag when the main processor configures the scanner in such a mode to do so). Though silent to specifically storing an indication of the detected manual activation of the EAS system, the Examiner notes that Canipe et al. teaches logging the transaction including various information. Though silent to the log including indication of the manual activation of the system, the Examiner notes that as the manual activation information system is understood to have been present in order to successfully disable the tag, the log is understood to be a log of transactions where manual activation

occurred. It is understood to be naturally associated with the log, as the log is a log of instances where deactivation was not successfully performed a first time. Therefore, it would have been an obvious matter of design choice, to actually record indication that manual activation of the system occurred, especially as it is understood to have occurred, in order for the log to be created.

Re claim 53, the Examiner has interpreted that manual activation of the EAS system is detected at the EAS system in response to operator action, as discussed above, which is transmitted to the POS/host in instances where the EAS scanner needs to be configured to deactivate.

Re claim 54, though silent, it would have been obvious to store the log in the host since it is well known in the art that hosts/central computers are used to store transaction data for checkouts and purchases, and therefore is an obvious expedient for such storage.

Re claim 55, the Examiner notes that Canipe et al. teaches logging the POS station where purchased to determine operator error. Though silent to storing an identifier of the operator, the Examiner notes that it would have been an obvious expedient to do so, since it is desired to identify operator error, and therefore if a specific operator is to be identified, some identification of the operator would be required. The Examiner has interpreted that the time the manual activation is performed by the security associate occurs is generally the time of an operator logged into the POS system, since a customer typically exits the store right after purchasing goods from the POS terminal.

Re claim 56, though silent to storing date and time, the Examiner notes that such limitations are well known and conventionally stored with data records to provide detailed transaction information, and is an obvious expedient within the ordinary skill in the art.

Re claim 57, though silent to an optical code, the Examiner notes that the claim does not recite a machine readable optical code, such as a barcode. As such, information that is formatted can broadly be interpreted as an optical code, as it is viewable information that is in a coded format. For example, storing date information in a format such as dd/mm/yyyy can be broadly interpreted as coded, as well as information such as location of the POS station. Further, Canipe et al. teaches item name and manufacturer being recorded. It would have been obvious to one of ordinary skill in the art to include information such as serial numbers, SKU numbers, barcode numbers, or other well known types of coded information of the item, to provide details item information in the log.

Re claim 61, the login is interpreted as a record.

Re claims 67-69 and 71-75, the limitations have been discussed above, where it is understood that the signal goes to the POS then to the host/central controller. Further, though silent to successful deactivation, the Examiner notes it would have been obvious for record and performance keeping purposes to keep track of success, and not just failures, especially as doing appears to be within the technology, given what the prior art teaches. One would have been motivated to try for expected results for more detailed record keeping.

Re claim 70, the Examiner notes that optical/barcode readers have been discussed above, in order to read the coded information of the item. However, Canipe et al. is silent to the special

event being a status of the optical scanner. However, Canipe et al. does teach reading items at a checkout/register. Therefore, the

4. Claims 57, 60, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wike, Jr. et al. (US 2003/0075602).

RE claims 57, 60, and 62, Wike, JR. et al. teaches the claimed limitations (paragraph [0072,0074] and FIG. 7, where deactivation is attempted, and if successful, the item is allowed to be bagged. Manual activation is interpreted to be present as the operator manually performs duties (manually uses the readers). Though silent to transmitting indication including an optical code, the Examiner notes that it is well known and conventional in the art that when items being scanned are scanned and entered into a POS environment, that their UPC/functionally equivalent identifier (interpreted as an optical code/coded record) are sent to the terminal for processing the transaction and to a host for record keeping. One would have been motivated to do this for record keeping purposes. A UPC is a well know type of coded record, and therefore an obvious expedient to encode data.

Additional Remarks

5. The Examiner does not believe that claims 77-83 are grouped as they do not have an EAS/tag system. The Examiner invites the Applicant to contact him if additional questions or issues are present. See PTO-892 for additional related prior art.

Application/Control Number:
10/612,870
Art Unit: 2876

Page 7

D. Walsh

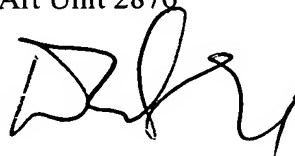
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel I Walsh
Examiner
Art Unit 2876



**DANIEL WALSH
PRIMARY EXAMINER**